



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

October 10, 1995

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Reply To
Attn Of: HW-124

Program Management

Ms. Lisa Green, Manager
Environmental Restoration Program
U. S. Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

Re: EPA Comments on September, 1995 Draft ROD for OU 5-05
and 6-01 (SL-1 and Borax Burial Grounds)

Dear Ms. Green:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Record of Decision (ROD) for Operable Units (OUs) 5-05 and 6-01; Stationary Low-Power Reactor 1 (SL-1) and Boiling Water Reactor Experiment I (Borax) Burial Grounds at the Idaho National Engineering Laboratory (INEL).

In general, DOE has adequately responded to EPA's previous comments on the Draft Final ROD. EPA's current concerns have mainly to do with the language in the ROD regarding institutional controls and remedial action objectives. EPA's comments are attached.

If you have any questions please contact me at (206) 553-6903.

Sincerely,

Howard Orlean
WAG 5, Remedial Project Manager

cc: w/attachment
Alan Jines, DOE-ID
Jean Underwood, IDHW-DEQ (Boise)
Dean Nygard, IDHW-DEQ (Boise)
Wayne Pierre, HW-124

(beginning with "Adequate shielding....") is not acceptable to EPA. The statement being placed in this section can be misleading in that it leads the reader to believe that the risk assessment itself incorporated shielding and physical barriers in the risk calculations. Hence, the risk assessment could not then be considered a "baseline" risk assessment. EPA once again suggests that the statement be move to the Selected Remedy section (Section 9),

7. Page 40, Section 7.1.1, Bulleted Items --

EPA disagrees with DOE's response to EPA's previous comments regarding the RAOs. According to DOE's response to EPA's comment # 17a, EPA's suggested RAOs "would not be applicable to each of the alternatives under consideration". In fact the previous detailed discussions between DOE, IDHW, and EPA have centered around the scoping of the remedial action such that the cover over the burial grounds will indeed be designed to prevent erosion, to prevent human intrusion (and hence direct contact), and the institutional controls will be designed to ensure that the cover be maintained in the long term. In summary, EPA still believes that the RAOs need to explain in general terms how the preferred remedy will mitigate the potential adverse effects associated with the burial grounds.

8. Page 43, Section 7.2.2, Third Paragraph --

The ROD continues to limit DOE's responsibility for maintaining land use and access restrictions to 100 years even though the "barrier" will be designed to provide protection for 400 years at SL-1 and 320 years at BORAX-I. There is no basis for limiting the responsibility to 100 years. Attached to these comments is page 38 from the TSF Final ROD for INEL. With the exception of the ground-water reference, EPA suggests that the language in the second, third, and fourth sentences in the first paragraph of section 9.1.2.4 of the TSF ROD should be incorporated verbatim. BLM should be notified of the restrictions now, not 100 years from now or whenever DOE ceases operations at the site. Additional changes throughout the ROD should be made consistent with this language. In addition, DOE should give EPA and the IDHW written verification that the necessary notifications have been implemented.

There is still no definition of the areal extent of the land use and access restrictions. What constitutes the "burial grounds"? There should be a buffer zone around the actual burial site within which the restrictions would apply.

9. Page 48, Section 8.2.2, First Paragraph --

DOE's explanation for rejecting EPA's objection to the language in this paragraph regarding reduction of mobility through containment and not treatment is irrelevant to the discussion that must be presented here, and is also in conflict with EPA Proposed Plan and ROD guidance and with the National Contingency Plan (NCP). The NCP specifically states that an evaluation of reduction of mobility etc. through treatment (not containment) must be performed.

10. Page 53, Section 9.1, Bottom of Page --

The reference to DOE's responsibility of restrictions on the bottom of page 53 needs to be revised consistent with Comment 8 above. All references to 100 years should be eliminated.

11. Page 55, Section 9.2, Second Paragraph --

Once again, the reference to 100 years should be deleted. It is not appropriate to place a time frame on the restrictions other than the time during which the risk remains above acceptable standards. In addition, clause (c) in the second paragraph should include the access restrictions. EPA suggests the following: *"(c) institution of restrictions limiting access and land use to industrial applications for as long as the risks to human health and the environment are unacceptable."*

12. Page 60, Section 10.2.2, Last Paragraph --

EPA still does not believe that DOE Order 5820.2A requires that DOE maintain active institutional controls for 100 years. The referenced page merely cites the 100 year time frame without any suggestion that it is a requirement or a minimum or maximum. Therefore the last sentence as currently written in the ROD can be misleading.